

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AMICHAH OHRING, individually and  
on behalf of others similarly situated,

Plaintiff,

v.

UNISEA, INC.; and Does 1 through  
100, inclusive,

Defendants.

C21-359 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Counsel are DIRECTED to meet and confer and to file, on or before May 19, 2023, a Joint Status Report addressing the following issues:

(a) For purposes of any second round of distribution of settlement funds to participating class members, on what basis are class members who received and cashed initial payments of \$100 or less deemed ineligible for a pro rata share of uncashed awards;

(b) On what basis is Legal Foundation of Washington<sup>1</sup> an appropriate *cy pres* recipient; see *Nachsin v. AOL, LLC*, 663 F.3d 1034, 1036 (9th Cir. 2011) (“*Cy pres* distributions must account for the nature of the . . . lawsuit, the objectives of the underlying statutes, and the interests of the silent class members, including their geographic diversity.”); see also *Dennis v. Kellogg Co.*, 697 F.3d 858 (9th Cir. 2012);

<sup>1</sup> The Court also notes that the proposed notice to class members fails to disclose the possibility of a *cy pres* award or the identity of the recipient upon which the parties have agreed.

(c) What is the average anticipated award to class members,<sup>2</sup> and what is the range of (*i.e.*, the minimum and maximum) anticipated payments;

(d) Whether the requisite notices of the proposed class settlement have been provided to the appropriate federal and state officials pursuant to 28 U.S.C. § 1715;

(e) How class members may view or obtain copies of materials filed in this matter, and how they will be notified if the final approval hearing must be conducted virtually (or, in other words, whether the settlement administrator or class counsel will maintain a dedicated website related to the proposed settlement and whether the website address will be provided in the notice to the class); and

(f) Whether defendants Does 1 through 100 may be dismissed without prejudice for lack of prosecution.

(2) Plaintiff's motion for preliminary approval of class settlement, docket no. 52, is RENOTED to May 19, 2023. Any revised settlement agreement, any revised notice to the class, any § 1715 notice, and any redlined versions of such materials shall be attached to the Joint Status Report referenced in Paragraph 1, above.

(3) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 1st day of May, 2023.

Ravi Subramanian  
Clerk

s/Laurie Cuaresma  
Deputy Clerk

<sup>2</sup> The Court calculates that the net settlement amount, to be distributed among the class members, equals \$390,000, which represents the gross settlement fund of \$600,000 minus (i) attorneys' fees and costs in the amount of \$185,000, (ii) class representative service fees in the amount of \$5,000, and (iii) settlement administration expenses in the amount of \$20,000. Based on a class size of 1,845, the average payment, if the net proceeds were divided equally, would be \$211.38 per class member. This computation and the range of anticipated awards must be included in any notice sent to class members so that they may understand how their estimated shares of the settlement compare.